

2 **SHB 1591** - S COMM AMD
3 By Committee on Judiciary

4 ADOPTED 04/04/01

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 10.14.080 and 1995 c 246 s 36 are each amended to
8 read as follows:

9 (1) Upon filing a petition for a civil antiharassment protection
10 order under this chapter, the petitioner may obtain an ex parte
11 temporary antiharassment protection order. An ex parte temporary
12 antiharassment protection order may be granted with or without notice
13 upon the filing of an affidavit which, to the satisfaction of the
14 court, shows reasonable proof of unlawful harassment of the petitioner
15 by the respondent and that great or irreparable harm will result to the
16 petitioner if the temporary antiharassment protection order is not
17 granted.

18 (2) An ex parte temporary antiharassment protection order shall be
19 effective for a fixed period not to exceed fourteen days or twenty-four
20 days if the court has permitted service by publication under RCW
21 10.14.085. The ex parte order may be reissued. A full hearing, as
22 provided in this chapter, shall be set for not later than fourteen days
23 from the issuance of the temporary order or not later than twenty-four
24 days if service by publication is permitted. Except as provided in RCW
25 10.14.070 and 10.14.085, the respondent shall be personally served with
26 a copy of the ex parte order along with a copy of the petition and
27 notice of the date set for the hearing. The ex parte order and notice
28 of hearing shall include at a minimum the date and time of the hearing
29 set by the court to determine if the temporary order should be made
30 effective for one year or more, and notice that if the respondent
31 should fail to appear or otherwise not respond, an order for protection
32 will be issued against the respondent pursuant to the provisions of
33 this chapter, for a minimum of one year from the date of the hearing.
34 The notice shall also include a brief statement of the provisions of
35 the ex parte order and notify the respondent that a copy of the ex

1 parte order and notice of hearing has been filed with the clerk of the
2 court.

3 (3) At the hearing, if the court finds by a preponderance of the
4 evidence that unlawful harassment exists, a civil antiharassment
5 protection order shall issue prohibiting such unlawful harassment.

6 (4) An order issued under this chapter shall be effective for not
7 more than one year unless the court finds that the respondent is likely
8 to resume unlawful harassment of the petitioner when the order expires.
9 If so, the court may enter an order for a fixed time exceeding one year
10 or may enter a permanent antiharassment protection order. The court
11 shall not enter an order that is effective for more than one year if
12 the order restrains the respondent from contacting the respondent's
13 minor children. This limitation is not applicable to civil
14 antiharassment protection orders issued under chapter 26.09, 26.10, or
15 26.26 RCW. If the petitioner seeks relief for a period longer than one
16 year on behalf of the respondent's minor children, the court shall
17 advise the petitioner that the petitioner may apply for renewal of the
18 order as provided in this chapter or if appropriate may seek relief
19 pursuant to chapter 26.09 or 26.10 RCW.

20 (5) At any time within the three months before the expiration of
21 the order, the petitioner may apply for a renewal of the order by
22 filing a petition for renewal. The petition for renewal shall state
23 the reasons why the petitioner seeks to renew the protection order.
24 Upon receipt of the petition for renewal, the court shall order a
25 hearing which shall be not later than fourteen days from the date of
26 the order. Except as provided in RCW 10.14.085, personal service shall
27 be made upon the respondent not less than five days before the hearing.
28 If timely service cannot be made the court shall set a new hearing date
29 and shall either require additional attempts at obtaining personal
30 service or permit service by publication as provided by RCW 10.14.085.
31 If the court permits service by publication, the court shall set the
32 new hearing date not later than twenty-four days from the date of the
33 order. If the order expires because timely service cannot be made the
34 court shall grant an ex parte order of protection as provided in this
35 section. The court shall grant the petition for renewal unless the
36 respondent proves by a preponderance of the evidence that the
37 respondent will not resume harassment of the petitioner when the order
38 expires. The court may renew the protection order for another fixed

1 time period or may enter a permanent order as provided in subsection
2 (4) of this section.

3 (6) The court, in granting an ex parte temporary antiharassment
4 protection order or a civil antiharassment protection order, shall have
5 broad discretion to grant such relief as the court deems proper,
6 including an order:

7 (a) Restraining the respondent from making any attempts to contact
8 the petitioner;

9 (b) Restraining the respondent from making any attempts to keep the
10 petitioner under surveillance;

11 (c) Requiring the respondent to stay a stated distance from the
12 petitioner's residence and workplace; and

13 (d) Considering the provisions of RCW 9.41.800.

14 (7) A petitioner may not obtain an ex parte temporary
15 antiharassment protection order against a respondent if the petitioner
16 has previously obtained two such ex parte orders against the same
17 respondent but has failed to obtain the issuance of a civil
18 antiharassment protection order unless good cause for such failure can
19 be shown.

20 (8) The court order shall specify the date an order issued pursuant
21 to subsections (4) and (5) of this section expires if any. The court
22 order shall also state whether the court issued the protection order
23 following personal service or service by publication and whether the
24 court has approved service by publication of an order issued under this
25 section.

26 **Sec. 2.** RCW 10.14.100 and 1992 c 143 s 15 are each amended to read
27 as follows:

28 (1) An order issued under this chapter shall be personally served
29 upon the respondent, except as provided in subsections (5) and (7) of
30 this section.

31 (2) The sheriff of the county or the peace officers of the
32 municipality in which the respondent resides shall serve the respondent
33 personally unless the petitioner elects to have the respondent served
34 by a private party.

35 (3) If the sheriff or municipal peace officer cannot complete
36 service upon the respondent within ten days, the sheriff or municipal
37 peace officer shall notify the petitioner.

1 (4) Returns of service under this chapter shall be made in
2 accordance with the applicable court rules.

3 (5) If an order entered by the court recites that the respondent
4 appeared in person before the court, the necessity for further service
5 is waived and proof of service of that order is not necessary. The
6 court's order, entered after a hearing, need not be served on a
7 respondent who fails to appear before the court, if material terms of
8 the order have not changed from those contained in the temporary order,
9 and it is shown to the court's satisfaction that the respondent has
10 previously been personally served with the temporary order.

11 (6) Except in cases where the petitioner is granted leave to
12 proceed in forma pauperis, municipal police departments serving
13 documents as required under this chapter may collect the same fees for
14 service and mileage authorized by RCW 36.18.040 to be collected by
15 sheriffs.

16 (7) If the court previously entered an order allowing service by
17 publication of the notice of hearing and temporary order of protection
18 pursuant to RCW 10.14.085, the court may permit service by publication
19 of the order of protection issued under RCW 10.14.080. Service by
20 publication must comply with the requirements of RCW 10.14.085."

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24 On page 1, line 1 of the title, after "matters;" strike the
25 remainder of the title and insert "and amending RCW 10.14.080 and
26 10.14.100."

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